

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

INNOVATIVE CONCEPT GROUP, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:03-CV-549
)	(PHILLIPS/GUYTON)
FOOD SALES OF TENNESSEE, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter came before the Court on January 25, 2006 for a hearing on a discovery dispute regarding the plaintiff's request that the defendants produce sales call reports. Attorney Shelley Wilson represented the plaintiff. Attorney John Quinn represented the defendants.

The defendants argue that the sales call reports, to some extent, contain sensitive business information which is not relevant or discoverable given the matters at issue in this case. The defendants, however, do concede that some of the information contained on the sales call reports is discoverable, namely (1) the identity of the sales person, (2) the date the sales "pitch" was made, and (3) the identity of the manufacturer of the product being pitched, but only if previously represented by the plaintiff. Defendants argue that other information, such as specific product information, the identity of manufacturers that were always clients of the defendants, and the end-user identification, should be redacted.

The plaintiff argues that the Protective Order in the case adequately covers the issue, and further, that the years covered by the sales call reports (2001-2003) are now "stale" and unlikely to pose a competitive threat to defendants' business. Plaintiff states that the identity of the end-user is particularly important to the plaintiff, while plaintiff will agree to redaction of the specific product

information and the identity of the end-user's contact person. Plaintiff argues that the identity of all manufacturers, even those never represented by the plaintiff, should be revealed, so as to show defendants' "market dominance".

The Court has carefully considered this matter and finds that the defendants' objections are well-taken and shall be sustained. The defendants shall promptly produce to the plaintiff the sales call reports in the redacted form proposed to the Court by the defendants during the January 25, 2006 hearing.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge